

ORIGINAL

FILED IN OPEN COURT
U.S.D.C. - Atlanta

APR 26 2022

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

KEVIN P. WEIMER, Clerk
By: *[Signature]* Deputy Clerk

UNITED STATES OF AMERICA

v.

ANTHONY SMITH, A/K/A
"STIX," A/K/A "RANDY,"
A/K/A "STICKS,"
BRANDON PERRY, AND
DEMARIO PHILLIPS

Criminal Indictment

No. 1:21-CR-470-MHC-LTW

SUPERSEDING

THE GRAND JURY CHARGES THAT:

Count One
(Conspiracy - 18 U.S.C. § 371)

Beginning on a date unknown to the Grand Jury, but at least by in or about June 2021, and continuing through in or about October 2021, in the Northern District of Georgia and elsewhere, the defendants, ANTHONY SMITH, A/K/A "STIX," A/K/A "RANDY," A/K/A "STICKS," and BRANDON PERRY, did knowingly and willfully conspire, agree, and have a tacit understanding with each other, to commit a federal offense; that is, to knowingly make a false and fictitious written statement to a licensed firearms dealer under Chapter 44, Title 18, United States Code, in connection with the acquisition of a firearm, which statement was intended and likely to deceive the federally licensed firearms dealer as to a fact material to the lawfulness of the acquisition of the firearm, in violation of Title 18, United States Code, Section 922(a)(6).

Manner and Means

The manner and means used to accomplish the objectives of the conspiracy included, among other means, the following:

1. Defendant BRANDON PERRY unlawfully purchased firearms, from a federally licensed firearms dealer (FFL), for Defendant ANTHONY SMITH, A/K/A "STIX," A/K/A "RANDY," A/K/A "STICKS," who was the actual transferee and buyer of the firearms.

2. PERRY completed an ATF Form 4473 at the time of the purchase of the firearms. ATF Form 4473 is the official firearms transaction record for intrastate, over-the-counter sales, and dispositions of firearms, which must be maintained by an FFL.

3. PERRY falsely attested in each ATF Form 4473, completed at the time of the purchase of the firearms from the FFL, that he was the actual transferee and buyer of the firearms.

4. Contrary to his attestations on the ATF Form 4473, PERRY knew that SMITH was the actual transferee and buyer of the firearms.

Overt Acts

In furtherance of the conspiracy, the defendants, ANTHONY SMITH, A/K/A "STIX," A/K/A "RANDY," A/K/A "STICKS," and BRANDON PERRY, committed, and caused to be committed, at least one overt act. Specifically, PERRY, as identified in Column A, on or about each date listed in Column B, purchased from the licensed firearms dealers listed in Column C, at least one of the corresponding firearm(s) described in Column D, and completed an ATF Form 4473 on each date

of purchase falsely purporting to be the actual transferee and buyer of the firearm(s) when, in fact, as PERRY then knew, SMITH was the true transferee and buyer of the firearm(s), and received the firearm(s) from PERRY, as described in Column D:

Column A	Column B	Column C	Column D
Defendant	Date	Licensed Firearms Dealer	Firearm(s) Acquired by Defendant(s)
Brandon Perry	July 9, 2021	Adventure Outdoors	Two (2) Taurus, model G2C, 9mm pistols
Brandon Perry	August 11, 2021	Academy Sports	One (1) Taurus, model G3, 9mm pistol
Brandon Perry	September 6, 2021	Academy Sports	Two (2) Taurus, model M605, .357 magnum revolvers
Brandon Perry	September 6, 2021	Adventure Outdoors	Three (3) SCCY, model CPX-2 .9mm caliber pistols
Brandon Perry	October 9, 2021	Academy Sports	Two (2) Taurus, model M605, .357 Magnum revolvers
Brandon Perry	October 9, 2021	Adventure Outdoors	Three (3) SCCY, model CPX-2 .9mm caliber pistols
Brandon Perry	October 16, 2021	Academy Sports	Two (2) Taurus, model G2C, 9mm pistols; One (1) Smith & Wesson, model SD40 pistol; One (1) Smith & Wesson, model SD40VE BLKSS pistol; One (1) Ruger, model 57 5.7x28, pistol

All in violation of Title 18, United States Code, Section 371.

Count Two

(False Statement to Federally Licensed Firearms Dealer – 18 U.S.C. § 922(a)(6))

On or about July 9, 2021, in the Northern District of Georgia, the defendants, ANTHONY SMITH, A/K/A “STIX,” A/K/A “RANDY,” A/K/A “STICKS,” and BRANDON PERRY, aided and abetted by each other, did knowingly make a false and fictitious written statement to Adventure Outdoors, a licensed dealer of firearms under Chapter 44 of Title 18, United States Code, located in Cobb County, Georgia, in connection with the acquisition of at least one of the following firearms from Adventure Outdoors; that is, two (2) Taurus, model G2C, .9mm pistols, which statement was intended and likely to deceive Adventure Outdoors as to a fact material to the lawfulness of the acquisition of the firearm(s), in that Defendant BRANDON PERRY completed ATF Form 4473 purporting that he was the actual transferee and buyer of the firearm(s) and not purchasing the firearm(s) on behalf of another person, when, in fact, as Defendant BRANDON PERRY then well knew, Defendant ANTHONY SMITH was the true transferee and buyer of the firearm(s), in violation of Title 18, United States Code, Sections 922(a)(6) and 924(a)(2), and Section 2.

Count Three

(False Statement to Federally Licensed Firearms Dealer – 18 U.S.C. § 922(a)(6))

On or about August 11, 2021, in the Northern District of Georgia, the defendants, ANTHONY SMITH, A/K/A “STIX,” A/K/A “RANDY,” A/K/A “STICKS,” and BRANDON PERRY, aided and abetted by each other, did knowingly make a false and fictitious written statement to Academy Sports, a licensed dealer of firearms under Chapter 44 of Title 18, United States Code, located in Cobb

County, Georgia, in connection with the acquisition of at least one of the following firearms from Academy Sports; that is, one (1) Taurus, model G3, .9mm pistol, which statement was intended and likely to deceive Academy Sports as to a fact material to the lawfulness of the acquisition of the firearm(s), in that Defendant BRANDON PERRY completed ATF Form 4473 purporting that he was the actual transferee and buyer of the firearm(s) and not purchasing the firearm(s) on behalf of another person, when, in fact, as Defendant BRANDON PERRY then well knew, Defendant ANTHONY SMITH was the true transferee and buyer of the firearm(s), in violation of Title 18, United States Code, Sections 922(a)(6) and 924(a)(2), and Section 2.

Count Four

(False Statement to Federally Licensed Firearms Dealer – 18 U.S.C. § 922(a)(6))

On or about September 6, 2021, in the Northern District of Georgia, the defendants, ANTHONY SMITH, A/K/A “STIX,” A/K/A “RANDY,” A/K/A “STICKS,” and BRANDON PERRY, aided and abetted by each other, did knowingly make a false and fictitious written statement to Academy Sports, a licensed dealer of firearms under Chapter 44 of Title 18, United States Code, located in Cobb County, Georgia, in connection with the acquisition of at least one of the following firearms from Academy Sports; that is, two (2) Taurus, model M605, .357 Mag Revolvers, which statement was intended and likely to deceive Academy Sports as to a fact material to the lawfulness of the acquisition of the firearm(s), in that Defendant BRANDON PERRY completed ATF Form 4473 purporting that he was the actual transferee and buyer of the firearm(s) and not purchasing the firearm(s) on behalf of another person, when, in fact, as Defendant BRANDON PERRY then

well knew, Defendant ANTHONY SMITH was the true transferee and buyer of the firearm(s), in violation of Title 18, United States Code, Sections 922(a)(6) and 924(a)(2), and Section 2.

Count Five

(False Statement to Federally Licensed Firearms Dealer – 18 U.S.C. § 922(a)(6))

On or about September 6, 2021, in the Northern District of Georgia, the defendants, ANTHONY SMITH, A/K/A "STIX," A/K/A "RANDY," A/K/A "STICKS," and BRANDON PERRY, aided and abetted by each other, did knowingly make a false and fictitious written statement to Adventure Outdoors, a licensed dealer of firearms under Chapter 44 of Title 18, United States Code, located in Cobb County, Georgia, in connection with the acquisition of at least one of the following firearms from Adventure Outdoors; that is, three (3) SCCY, model CPX-2, .9mm pistols, which statement was intended and likely to deceive Adventure Outdoors as to a fact material to the lawfulness of the acquisition of the firearm(s), in that Defendant BRANDON PERRY completed ATF Form 4473 purporting that he was the actual transferee and buyer of the firearm(s) and not purchasing the firearm(s) on behalf of another person, when, in fact, as Defendant BRANDON PERRY then well knew, Defendant ANTHONY SMITH was the true transferee and buyer of the firearm(s), in violation of Title 18, United States Code, Sections 922(a)(6) and 924(a)(2), and Section 2.

Count Six

(False Statement to Federally Licensed Firearms Dealer – 18 U.S.C. § 922(a)(6))

On or about October 9, 2021, in the Northern District of Georgia, the defendants, ANTHONY SMITH, A/K/A “STIX,” A/K/A “RANDY,” A/K/A “STICKS,” and BRANDON PERRY, aided and abetted by each other, did knowingly make a false and fictitious written statement to Academy Sports, a licensed dealer of firearms under Chapter 44 of Title 18, United States Code, located in Cobb County, Georgia, in connection with the acquisition of at least one of the following firearms from Academy Sports; that is, two (2) Taurus, model M605, .357 Mag Revolvers, which statement was intended and likely to deceive Academy Sports as to a fact material to the lawfulness of the acquisition of the firearm(s), in that Defendant BRANDON PERRY completed ATF Form 4473 purporting that he was the actual transferee and buyer of the firearm(s) and not purchasing the firearm(s) on behalf of another person, when, in fact, as Defendant BRANDON PERRY then well knew, Defendant ANTHONY SMITH was the true transferee and buyer of the firearm(s), in violation of Title 18, United States Code, Sections 922(a)(6) and 924(a)(2), and Section 2.

Count Seven

(False Statement to Federally Licensed Firearms Dealer – 18 U.S.C. § 922(a)(6))

On or about October 9, 2021, in the Northern District of Georgia, the defendants, ANTHONY SMITH, A/K/A “STIX,” A/K/A “RANDY,” A/K/A “STICKS,” and BRANDON PERRY, aided and abetted by each other, did knowingly make a false and fictitious written statement to Adventure Outdoors, a licensed dealer of firearms under Chapter 44 of Title 18, United States Code, located in

Cobb County, Georgia, in connection with the acquisition of at least one of the following firearms from Adventure Outdoors; that is, three (3) SCCY, model CPX-2, .9mm pistols, which statement was intended and likely to deceive Adventure Outdoors as to a fact material to the lawfulness of the acquisition of the firearm(s), in that Defendant BRANDON PERRY completed ATF Form 4473 purporting that he was the actual transferee and buyer of the firearm(s) and not purchasing the firearm(s) on behalf of another person, when, in fact, as Defendant BRANDON PERRY then well knew, Defendant ANTHONY SMITH was the true transferee and buyer of the firearm(s), in violation of Title 18, United States Code, Sections 922(a)(6) and 924(a)(2), and Section 2.

Count Eight

(False Statement to Federally Licensed Firearms Dealer – 18 U.S.C. § 922(a)(6))

On or about October 16, 2021, in the Northern District of Georgia, the defendants, ANTHONY SMITH, A/K/A “STIX,” A/K/A “RANDY,” A/K/A “STICKS,” and BRANDON PERRY, aided and abetted by each other, did knowingly make a false and fictitious written statement to Academy Sports, a licensed dealer of firearms under Chapter 44 of Title 18, United States Code, located in Cobb County, Georgia, in connection with the acquisition of at least one of the following firearms from Academy Sports:

- One (1) Smith & Wesson, SD40 pistol;
- One (1) Smith & Wesson SD40VE, pistol;
- Two (2) Taurus G2C 9mm, pistol; and
- One (1) Ruger 57 5.7x28, pistol,

which statement was intended and likely to deceive Academy Sports as to a fact material to the lawfulness of the acquisition of the firearm(s), in that Defendant BRANDON PERRY completed ATF Form 4473 purporting that he was the actual transferee and buyer of the firearm(s) and not purchasing the firearm(s) on behalf of another person, when, in fact, as Defendant BRANDON PERRY then well knew, Defendant ANTHONY SMITH was the true transferee and buyer of the firearm(s), in violation of Title 18, United States Code, Sections 922(a)(6) and 924(a)(2), and Section 2.

Count Nine
(Conspiracy - 18 U.S.C. § 371)

Beginning on a date unknown to the Grand Jury, but at least by in or about November 2021, in the Northern District of Georgia and elsewhere, the defendants, ANTHONY SMITH, A/K/A "STIX," A/K/A "RANDY," A/K/A "STICKS," and DEMARIO PHILLIPS, did knowingly and willfully conspire, agree, and have a tacit understanding with each other, to commit a federal offense; that is, to knowingly make a false and fictitious written statement to a licensed firearms dealer under Chapter 44, Title 18, United States Code, in connection with the acquisition of a firearm, which statement was intended and likely to deceive the federally licensed firearms dealer as to a fact material to the lawfulness of the acquisition of the firearm, in violation of Title 18, United States Code, Section 922(a)(6).

Manner and Means

The manner and means used to accomplish the objectives of the conspiracy included, among other means, the following:

1. Defendant DEMARIO PHILLIPS unlawfully purchased firearms, from an FFL, for Defendant ANTHONY SMITH, A/K/A "STIX," A/K/A "RANDY," A/K/A "STICKS," who was the actual transferee and buyer of the firearms.

2. PHILLIPS completed an ATF Form 4473 at the time of the purchase of the firearms. ATF Form 4473 is the official firearms transaction record for intrastate, over-the-counter sales, and dispositions of firearms, which must be maintained by an FFL.

3. PHILLIPS falsely attested in each ATF Form 4473, completed at the time of the purchase of the firearms from the FFL, that he was the actual transferee and buyer of the firearms.

4. Contrary to his attestations on the ATF Form 4473, PERRY knew that SMITH was the actual transferee and buyer of the firearms.

Overt Acts

In furtherance of the conspiracy, the defendants, ANTHONY SMITH, A/K/A "STIX," A/K/A "RANDY," A/K/A "STICKS," and DEMARIO PHILLIPS, committed, and caused to be committed, at least one overt act. Specifically, PHILLIPS, as identified in Column A, on or about the date listed in Column B, purchased from the licensed firearms dealers listed in Column C, at least one of the corresponding firearm(s) described in Column D, and completed an ATF Form 4473 on the date of purchase falsely purporting to be the actual transferee and

buyer of the firearm(s) when, in fact, as PHILLIPS then knew, SMITH was the true transferee and buyer of the firearm(s) and received the firearm(s) from PHILLIPS, as described in Column D:

Column A	Column B	Column C	Column D
Defendant	Date	Licensed Firearms Dealer	Firearm(s) Acquired by Defendant(s)
Demario Phillips	November 1, 2021	Adventure Outdoors	Three (3) SCCY, model CPX-2CB 9mm caliber pistols; Three (3) SCCY, model CPX-2 TTSG .9mm caliber pistols

All in violation of Title 18, United States Code, Section 371.

Count Ten

(False Statement to Federally Licensed Firearms Dealer – 18 U.S.C. § 922(a)(6))

On or about November 1, 2021, in the Northern District of Georgia, the defendants, ANTHONY SMITH, A/K/A “STIX,” A/K/A “RANDY,” A/K/A “STICKS,” and DEMARIO PHILLIPS, aided and abetted by each other, did knowingly make a false and fictitious written statement to Adventure Outdoors, a licensed dealer of firearms under Chapter 44 of Title 18, United States Code, located in Cobb County, Georgia, in connection with the acquisition of at least one of the following firearms from Adventure Outdoors:

- Three (3) SCCY Model CPX-2 CB pistols; and
- Three (3) SCCY Model CPX-2 TTSG pistols,

which statement was intended and likely to deceive Adventure Outdoors as to a fact material to the lawfulness of the acquisition of the firearm(s), in that

Defendant DEMARIO PHILLIPS completed ATF Form 4473 purporting that he was the actual transferee and buyer of the firearm(s) and not purchasing the firearm(s) on behalf of another person, when, in fact, as Defendant DEMARIO PHILLIPS then well knew, Defendant ANTHONY SMITH was the true transferee and buyer of the firearm(s), in violation of Title 18, United States Code, Sections 922(a)(6) and 924(a)(2), and Section 2.

Count Eleven
(Felon in Possession of a Firearm – 18 U.S.C. § 922(g)(1))

On or about November 12, 2021, in the Northern District of Georgia, the defendant, ANTHONY SMITH, A/K/A “STIX,” A/K/A “RANDY,” A/K/A “STICKS,” knowing that he had previously been convicted of at least one of the following offenses in Washington D.C.:

- Possession with Intent to Distribute Cocaine, on or about March 3, 1990;
- Possession of Cocaine, on or about December 22, 1992; and
- Possession with Intent to Distribute Cocaine, on or about January 7, 1997,

each of which was then a crime punishable by imprisonment for a term exceeding one year, did knowingly possess at least one of the following firearms, in and affecting interstate and foreign commerce:

- One (1) SCCY Model CPX-1CBDE pistol;
- One (1) SCCY Model CPX-2CB pistol; and
- Two (2) SCCY Model CPX-1 pistols,

all in violation of Title 18, United States Code, Section 922(g)(1).

Forfeiture Provision

Pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), upon conviction of the offense alleged in Count One of this Indictment, the defendants, ANTHONY SMITH, A/K/A "STIX," A/K/A "RANDY," A/K/A "STICKS," and BRANDON PERRY, shall forfeit to the United States of America any property, real or personal, which constitutes or is derived from proceeds traceable to said violation.

Pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), upon conviction of the offense alleged in Count Six of this Indictment, the defendants, ANTHONY SMITH, A/K/A "STIX," A/K/A "RANDY," A/K/A "STICKS," and DEMARIO PHILLIPS, shall forfeit to the United States of America any property, real or personal, which constitutes or is derived from proceeds traceable to said violation.

Upon conviction of any of the offenses alleged in Counts One through Eight of this Indictment, the defendants, ANTHONY SMITH, A/K/A "STIX," A/K/A "RANDY," A/K/A "STICKS," BRANDON PERRY, AND DEMARIO PHILLIPS, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 924 and Title 28, United States Code, Section 2461(c), all firearms and ammunition involved in the commission of the offense, including, but not limited to, the following:

- One (1) SCCY Model CPX-1CBDE pistol, bearing serial number C241308;
- One (1) SCCY Model CPX-2CB pistol, bearing serial number C178358;

- One (1) SCCY Model CPX-1 pistol, bearing serial number C232031;
and
- One (1) SCCY Model CPX-1 pistol, bearing serial number C232030.

If, as a result of any act or omission of a defendant, any property subject to forfeiture:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third person;
- (c) has been placed beyond the jurisdiction of the Court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be subdivided without difficulty;

the United States intends, pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c), to seek forfeiture of any other property of any defendant up to the value of the forfeitable property

or seek a money judgment against the defendant for any amount that would constitute the proceeds of such violation.

A True BILL
[Signature] 4/26/22
FOREPERSON

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